



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRR No.745 of 2026 (O&M)
Date of Decision: 01.04.2026**

Jora Singh

.....Petitioner

Versus

Shriram Transport Finance Co. Ltd.

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Ms. Tuneet Walia, Advocate for the petitioner.

SURYA PARTAP SINGH, J. (Oral):

1. The present revision petition has been filed by the petitioner against the order dated 05.12.2025 passed by the learned Additional Sessions Judge, Sangrur, hereinafter being referred to as 'Appellate Court', whereby the application for suspension of sentence, moved by the petitioner, has been allowed and the sentence awarded to the petitioner has been suspended, subject to the condition of furnishing bonds to the satisfaction of learned trial Court/Duty Magistrate within 15 days. In addition to above, the Appellate Court has directed the petitioner to deposit 20% of the fine/compensation awarded by learned trial Court within 60 days.

2. The record reveals that the petitioner faced a trial in a complaint case titled as 'Shriram Transport Finance Co. Ltd. Vs. Jora Singh' for the commission of an offence punishable under Section 138 of



the Negotiable Instruments Act, 1881. The abovementioned trial culminated into conviction of the petitioner. The learned trial Court sentenced the petitioner to undergo rigorous imprisonment for a period of two years for the commission of aforesaid offence, and also to pay compensation to the tune of Rs.3,05,807/-, i.e. equal to cheque amount.

3. Aggrieved of the abovementioned order, when the petitioner filed an appeal before the learned Appellate Court, the learned Appellate Court by virtue of impugned order dated 05.12.2025, suspended the sentence awarded to the petitioner. However, it imposed a condition in view of Section 148 of the Negotiable Instruments (Amendment) Act, 2018 and directed the petitioner to deposit an amount equivalent to 20% of the amount of compensation within 60 days.

4. Heard.

5. The learned counsel for the petitioner has contended that the learned Appellate Court, while imposing the abovementioned condition, did not give an opportunity to the petitioner to explain his hardship, and that without giving an opportunity of being heard, the abovementioned harsh condition has been imposed. According to learned counsel for the petitioner, the learned Appellate Court has failed to appreciate that the learned trial Court has committed a grave error of judgment, when against a cheque amount of Rs.3,05,807/-, it directed to pay compensation of Rs.3,05,807/-, i.e. equal to cheque amount, which in no way, can be said to be justified.



6. While referring to the principles of law laid down by the Hon'ble Supreme Court in a case of 'Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others', the learned counsel for the petitioner has contended that the learned Appellate Court was duty bound to give an opportunity to the petitioner to explain the circumstances and pass a reasonable order with regard to deposit of compensation or any part thereof. According to learned counsel for the petitioner, since any opportunity of being heard has not been afforded to the petitioner, by the learned Appellate Court, the instant case may be remanded back to the learned Appellate Court for passing a fresh order after hearing the petitioner.

6. I have perused the record carefully.

7. A perusal of record shows that in this case, against the cheque amount of Rs.3,05,807/-, the compensation awarded by the learned trial Court is Rs.3,05,807/-, i.e. equal to cheque amount. If the condition imposed by the learned Appellate Court, i.e. deposit of 20% of amount of compensation, is to be complied with it may create hardship for the petitioner. In addition to above, it is also relevant to note that the abovesaid order has been passed without giving an opportunity of being heard to the petitioner.

8. In view of above, without commenting anything about the hardship of petitioner, the present petition is hereby accepted. The impugned order is set aside. The learned Appellate Court is directed to



given an opportunity of being heard to the petitioner and pass fresh order, within three months, in the light of the law explained by the Hon’ble Supreme Court in Jamboo Bhandari’s case (*supra*).

9. Since this order has been passed in the absence of the respondent, the respondent will be at liberty to approach this Court, in case he is aggrieved by this order.

(SURYA PARTAP SINGH)
JUDGE

01.04.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No